

## REMARKS

In the Final Office Action<sup>[1]</sup>, the Examiner objected to the specification and rejected claims 1-8, 19, 21, 23, and 24<sup>[2]</sup> under 35 U.S.C. §103(a) as being obvious over *Barrett et al.* (U.S. Patent No. 5,699,532, "*Barrett*") in view of *Sridhar et al.* (U.S. Patent No. 6,098,108, "*Sridhar*") and in further view of *Bantz* (U.S. Patent No. 7,010,596, "*Bantz*"). Claims 1, 3-19, 21, 23, and 24 remain pending of which claims 1, 3-8, 19, 21, 23, and 24 are currently under examination.

### I. Objection to the Specification

Applicants respectfully traverse the Examiner's objection to the specification for allegedly "failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. 1.75(d)(1) and M.P.E.P. § 608.01(o)." Final Office Action, p. 4. As Applicants previously stated in Remarks filed October 22, 2009, the M.P.E.P. does not require word-for-word correspondence with the specification of the application. The specification of the instant application provides support for the claimed "computer-readable medium." By way of a non-limiting example, Applicants point to page 15, lines 15-20 of the instant specification. More specifically, see page 15 of Applicants specification, which includes examples of "computer-readable medium", such as "read-only memory," "random access [memory]," "magnetic, magneto-optical disks, or optical disks," "EPROM," "EEPROM," "flash memory devices," "magnetic disks," etc.

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<sup>[1]</sup> The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

<sup>[2]</sup> The Final Office Action lists claim 2 as rejected under 35 U.S.C. §103(a). Claim 2 was previously cancelled, and therefore, Applicants will assume the inclusion of this claim was a typographical error.

Therefore, Applicants respectfully request the Examiner to withdraw the objection to the specification.

**II. Rejection of Claims 1, 3-8, 19, 21, 23, and 24 under 35 U.S.C. §103(a)**

Applicants respectfully traverse the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over *Barrett* in view of *Sridhar* and *Bantz*. No *prima facie* case of obviousness has been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q 459 (1966). . . . The factual inquiries . . . [include] [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must

explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Independent claim 1, defines a method of grid computing, including, "sending a request for data describing an **application process** in a grid computing environment, wherein the data identifies the application process **and the computational processing requirements** of the application process," (emphasis added). The Final Office alleges *Barrett* discloses "data identifies the application process and the computational processing requirements of the application process" by referencing column 9, lines 2-24 and 45-65, and column 11, lines 14-58. The Final Office Action is incorrect.

These above cited passages of *Barrett* describes the exchange of identification signals (XID) between multipath channel interfaces. *Barrett*, col. 9, lines 9-59. These signals are used to allocate transmission paths between a server and a storage device. *Barrett*, col. 7, lines 34-55. There is no application process involved in this allocation of transmission paths. Further, neither these passages, nor any other portion of *Barrett* includes any teaching or suggestion of "computational processing requirements" for the "XID" signals. Therefore, *Barrett* cannot teach, suggest, or make obvious "sending a request for data describing an **application process** in a grid computing environment, wherein the data identifies the application process **and the computational processing requirements** of the application process," as recited in claim 1 (emphasis added).

*Bantz* fails to cure the deficiencies of *Barrett*. The Final Office Action relies upon *Bantz* to teach "grid computing." Final Office Action, p. 9. However, even if *Bantz* teaches "grid computing," which Applicants do not concede, *Bantz* still fails to cure the deficiencies of *Barrett*. That is, *Bantz* also fails to teach, suggest, or make obvious

"sending a request for **data describing an application process** in a grid computing environment, wherein the data identifies the application process **and the computational processing requirements** of the application process," (emphasis added) as recited in claim 1.

*Sridhar* also fails, and is not relied on in the Final Office Action, to cure the above-mentioned deficiencies of *Barrett* and *Bantz*.

In response to Applicants' Remarks filed October 24, 2008, the Final Office Action states, "[i]t seems the Applicant is arguing against the references individually; however one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." The Final Office Action is incorrect. Applicants have not "attacked references individually," as alleged by the Final Office Action. Instead, Applicants have pointed out that the references cited by the Examiner, taken individually or in any reasonable combination, cannot teach, suggest or make obvious the elements recited in claim 1.

The M.P.E.P. states that piecemeal examination should be avoided. See M.P.E.P. § 707.07(g). In rejecting the claims, as described above, the Examiner extracts portions of claim elements, then puts them together in a manner to allegedly arrive at the claimed invention. This analysis is improper. As previously discussed, claim 1 recites "sending a request for data describing an application process in a grid computing environment, wherein the data identifies the application process and the computational processing requirements of the application process." The "request for data" is based upon the "data describing an application process in a grid computing environment." The Final Office Action has alleged *Barrett* teaches "sending a request

for data describing an application process in computing environment, wherein the data identifies the application process and computational processing requirements of the application process," and that *Bantz* discloses a "grid computing environment." Such piecemeal analysis of the claims is improper. The Final Office Action fails point out how any combination of *Barrett* and *Bantz* could teach or suggest "sending a request for **data describing an application process** in a grid computing environment, wherein the data identifies the application process **and the computational processing requirements** of the application process," (emphasis added) as recited in claim 1.

In view of the deficiencies of the references discussed above, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claim 1. Thus, the Final Office Action has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1 and the rejection under 35 U.S.C. § 103(a) must be withdrawn. Claims 3-8 are also allowable at least due to their depending from claim 1.

Independent claims 19 and 21, while of different scope from claim 1 and each other, recite elements similar to those of claim 1 and are thus also allowable for reasons similar to those discussed above for claim 1. Claims 23 and 24 are also allowable at least due to their dependence from independent claim 21.

For at least these reasons, a *prima facie* case of obviousness has not been established with respect to the claims and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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